

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARCO SPV LLC,

Plaintiff,

-v-

XAMIVA LLC and XAVIER CARLOS VILARO CARO
a/k/a XAVIER VILARO,

Defendant.

24 Civ. 5128 (PAE)

ORDER OF
DEFAULT JUDGMENT

PAUL A. ENGELMAYER, District Judge:

On July 5, 2024, plaintiff Marco SPV LLC (“Marco”) filed the complaint in this case. Dkt. 1. On July 8, 2024, plaintiff served defendants with process, making defendants’ deadline to answer or otherwise respond July 29, 2024. Dkts. 6–7. On April 3, 2025, plaintiff obtained a Clerk’s Certificate of Default as to defendant Xamiva LLC (“Xamiva”). Dkt. 36. On April 7, 2025, plaintiff filed a motion for default judgment. Dkt. 38.

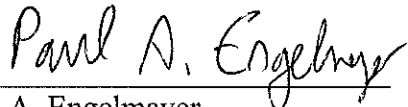
On April 8, 2025, the Court found that the papers in support of Marco’s motion were in good order. Dkt. 39. The Court ordered Xamiva, if it wished to oppose the motion, to enter an appearance and file an opposition to Marco’s motion for default judgment by April 29, 2025. *Id.* The Court ordered Marco to serve the April 8, 2025 order on Xamiva by April 15, 2025. *Id.* Marco did so. Dkt. 40. To date, Xamiva has not entered an appearance or otherwise opposed Marco’s motion.

The Court has reviewed Marco’s motion for default judgment pursuant to Federal Rule of Civil Procedure 55(b), Dkt. 38, and plaintiff’s supporting affirmation, Dkt. 38-2. Because proof of service has been filed; Xamiva has not answered the complaint and the time for answering the

complaint has expired; and Xamiva failed to appear to contest entry of a default judgment, the Court enters a default judgment for Marco against Xamiva.

The Court, by separate order, will commission an inquest into damages. The Court respectfully directs the Clerk of the Court to terminate the motion pending at docket 38.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: May 7, 2025
New York, New York